

III. REMARKS

1. Claims 1, 2, 4, 7, 8, 12 and 13 are not anticipated by Burke et al. ("Burke") (4,737,998) under 35 U.S.C. §102(b).

The Examiner says that Burke discloses an inter-system handover method for a mobile station moving from one cellular network to another. The Examiner refers to the abstract, a specific passage in column 2 and figure 1 of Burke. While Burke does describe a method of handover, Burke does not describe a method for performing a handover of a mobile station communicating in a first call via a first network to communication in a second call via a second network as recited in claim 1.

Specifically, claim 1 states a second call is established between the first network and the mobile station via the second network. The transfer of data communication between the mobile station and the first network is then moved from the first call to the second call. Burke does not disclose or suggest a second network or a second call as claimed by Applicant. Rather, Burke discusses different "networked" cellular systems 101-103 that are coupled to each other. (Col. 3, lines 31-39). Moreover, Burke only deals with "intersystem" handsoff (Col. 3, lines 41-47) and does not disclose or suggest the establishment or use of a second call as claimed by Applicant.

As explained in the summary of the invention of Burke, in column 2, the main purpose of the method of Burke is to determine to which cell a mobile should be handed over. The idea of the method of Burke is to measure signal strengths from possible cells and select the strongest signal and thereby choose the most appropriate cell for the mobile to be handed over to. A sub-aim is to allow cells controlled by the same operator to be used as a

priority, thereby maximizing revenue of the cellular operator, as explained in column 3, lines 48-50. This aim differs from the method of claim 1 in that claim 1 specifies first and second networks and establishing a second call between the first network and the mobile station via the second network.

The handover method of Burke is explained more clearly in column 8, lines 24-47 and column 10, line 45 onwards. Column 8, lines 27-29 specifically states that if a handover message is received by a mobile, the audio path is disconnected. Furthermore, as can be seen in column 8, lines 39-41, regard for whether a call is completed is only made if no handover instruction has been received by the mobile. This is a completely different concept from the method of claim 1 in which a second call is established between the first network and the mobile station via the second network and data communication is transferred from the first call to the second call.

Referring now to column 10, line 45 onwards, the handover process of Burke is described in more detail. Firstly, adjacent cell signal strengths are measured and if the signal strength is sufficient the reception of a signal from the target cell is detected and the strongest signal from a number of cells determined. As sated in column 11, line 35 onwards, if it is determined that it is possible to handover, the handover connections are established in accordance with step 860. Column 11, line 56 onwards explains that a new call is connected entirely within the new system. This is completely different from the method of claim 1 in which the second call is established between the first network and the mobile station via the second network. Column 12, lines 15-20 confirms once again that the voice connection is "blanked" during the handover

process, as opposed to establishing a second call and transferring data communication from the first call to the second call.

Thus, it can be understood that not only is claim 1 novel over the disclosure of Burke, claim 1 is also inventive because the establishment of the second call and subsequent transfer of data communication from the first call to the second call allows handover to occur without deliberate interruption of the call.

Since all of the features of Applicant's invention according to claim 1 are not disclosed or suggested by Burke, Burke cannot anticipate claim 1 according to 35 U.S.C. §102(b). Claims 2, 4, 7, 8, 12 and 13 should be allowable at least in view of their respective dependencies.

2. Claims 3, 5 and 6 are not unpatentable over Burke in view of Roach (5,845,211) under 35 U.S.C. §103(a). Claims 3, 5 and 6 should at least be allowable in view of their respective dependencies on claim 1, for the reasons stated above.

Furthermore, in the abstract of Burke, referred to by the Examiner, it is the selected ICS that initiates a handoff by sending messages (Abstract, lines 18-20). The "selected ICS" then chooses a "second ICS" to which the call will be "handed off" (Abstract, lines 22-24). In Col. 26, lines 3-10, all that is stated is that once a signal from the mobile unit to the first intelligent cell site drops below a predetermined value, a "second intelligent-cell site" is selected. This is merely a handover, and does not disclose or suggest Applicant's invention of "establishing the second call between the first network and the mobile station via the second network". Roach does not even mention originating a second call as recited in claim 5.

Thus, claims 3, 5 and 6 should be allowable.

3. Claim 9 is not unpatentable over Burke in view of Gillig et al. ("Gillig") (UK 2225512) under 35 U.S.C. §103(a).

Claim 9 should be allowable at least in view of its respective dependency on claim 1.

It is also submitted that there is no motivation to combine the references as suggested by the Examiner. Burke deals solely with cellular systems. Gillig deals with a cordless network and a cellular network. Gillig does not even remotely suggest one "cellular" network that is larger in size than another "cellular" network. A person of skill in the art dealing only with "cellular" networks would not look to a reference dealing with a "cordless" network.

4. Claims 10 and 11 are not unpatentable over Burke in view of Korpela (6,510,146) under 35 U.S.C. §103(a).

Claims 10 and 11 also depend from claim 1 and should be allowable at least in view of the respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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